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with the possession and control of its cars for a reasonable time, while they were in the possession of a connecting rival carrier. Barker, J., *dissenting*.

The above case is one of decided interest especially at this time on account of the great discussion in regard to the various phases of interstate commerce and its increasing importance. A consignor of goods, after they have passed from the hands of the R. R. Co. with which the contract of affreightment was made, into the hands of another Co., has the same right to change their destination while *in transitu*, as if the first Co., had a continuous line to the place of destination, *Penn. R. R. Co. v. Rennock*, 51 Penn. 244; 4 Kan, 378. *Contra*, *Childs v. Digby*, 24 Penn. St., 23. But the contention of the dissenting judge is that there is a taking of private property without the owner's consent and for the private use of another which is not due process of the law and therefore a violation of the 14th Art. of the Constitution of the U. S. and he quotes the famous case of *Loan Association v. Topeka*, 20 Wall, (U. S.) 655 to substantiate this proposition. However the greater weight of authority follows the majority opinion of the judges in this case.

CARRIERS—WHO ARE PASSENGERS—FITZMAURICE v. N. Y. N. H. & H. R. R. Co., 78 NORTHEASTERN 418 (MASS). In this case the person injured as the result of a collision had obtained a ticket by presenting to the agent a forged certificate that she was under eighteen, and a pupil in a certain school, the railroad having contracted to convey pupils at reduced rates. *Held*, that the carriage of the person was brought about by fraud and that she was not a passenger. See Comment *ante*.

CHARITABLE INSTITUTIONS—INJURIES TO SERVANTS—HEWETT v. WOMAN'S HOSPITAL AID ASS., 64 ATL. 190 (N. H.)—*Held*, that a hospital conducted as a charity is liable for the negligence of its manager in failing to notify a nurse of the contagious nature of a case assigned to her. The court points out that the hospital is incorporated under a general charter, and that although it has no capital stock and made no division of profits, and all its property was devoted to charitable uses, it is liable, and cites a number of English and American cases. The court also rejected the contention that as the plaintiff was an apprentice learning a trade, she was not a servant, and that the corporation was therefore relieved of its ordinary duty to her in that capacity.

CONSPIRACY—RIGHT TO EXCLUDE PERSON FROM THEATRES—PEOPLE EX REL. BURNHAM v. FLYNN—100 NEW YORK SUPP. 31. The defendants conspired to prevent the plaintiff from exercising a lawful trade or calling. Because of various criticisms made of the plays given at the various theatres, the defendants had given instructions that the critic should not be admitted, and he had been forcibly prevented from entering after purchasing a ticket. *Held*, that the conducting of a theatre is a private enterprise, and that, in the absence of Statutary regulation, the proprietor has the right to say who shall enter. Under this doctrine the court states that the agreement to exclude the critic was not an unlawful one, and that if his presence was distasteful as injurious to their business the proprietors had the lawful right to agree to exclude him.

CORPORATIONS—CORPORATE EXISTENCE—COMMONWEALTH EX. REL. ATTORNEY GENERAL v. MONONGAHELA BRIDGE CO., 64 ATLANTIC 909 (PA.) The city of Pittsburg bought all the shares of the capital stock of the stockholders of a bridge company. *Held*, that all the shares of a corporation are held by one person does not effect the existence of the corporation.

A corporation, other than a joint-stock corporation, may be dissolved by the death of all its members or the withdrawal of all its members, or of such a number of its members that too few remain, under the constitution of the corporation, to continue the succession and file vacancies, *Blackwell v. State*, 36 Ark. 178; *Philips v. Wickham*, 1 Paige 590 (N. Y.) But it is not dissolved by the fact that all the shares of its capital stock have come into the hands of a single stockholder, or of a less number of stockholders than were required by the statute in the formation of the corporation. *In re Belton*, 47 La. Ann. 1614; *Louisville Banking Co. v. Eisenman*, 94 Ky. 83. Although under such circumstances, corporate action may be suspended, *Swift v. Smith*, 65 Md. 428, and a surrender of a charter by a corporation may be presumed from a neglect, for a long time, to choose corporators, *State v. Trustees of Vincennes University*, 5 Ind. 77. A corporation composed of many stock-holders may be dissolved by an individual obtaining possession of all the stock, *In re. Bellona Co.*, 3 Bland 442 (Md.) This last decision was rendered in 1831, and then represented a minority rule, bnt the general tendency since has been to reject it and now it is doubtful if there is any minority rule on this subject. *Bridge Co. v. Traction Co.*, 196 Pa. 25; *Morawetz on Private Corporations*, 1009, 10 *Cyc.* 1277. It makes no difference in principlewhether the sole owner of the stock of a corporation is a man or another corporation, *Exchange Bank v. Construction Co.* 97 Ga. 1-6.

CRIMINAL LAW—DEATH SENTENCE FOR LIFE CONVICT—BROWN V. STATE, 95 SOUTH WESTERN 1039, (TEX.)—*Held*, that although one is serving a life sentence for murder, such previous conviction does not constitute a bar to a second prosecution for murder, which may result in conviction and a death sentence may be put into effect immediately.

CRIMINAL LAW—LARCENY—STEALING GAS.—WOODS V. PEOPLE, 78 NORTHEASTERN, 607 (ILL.)—*Held*. that the occupant of a building who removes the meters and substitutes rubber hose connections, is guilty of grand larceny as feloniously taking the personal goods of another. The defendant's plan was to remove the meter as soon as the gas inspector had read it, and connect the pipes by means of rubber hose, this connection being left in place until near the time for the reappearance of the gas man, when it was removed and the meters replaced. It was also held in this case that in ascertaining whether the value of the gas taken was sufficient to make the offense grand larceny, the value of the gas consumed upon a number of consecutive days should be added together, and that the gas taken on each separate day did not constitute a separate offense. It was further held that in ascertaining the value, the jury should be guided by the selling price and not by the cost price of the gas.

DEAD BODIES—MUTILATION—DAMAGES—MENTAL ANGUISH.—LONG ET AL. V. CHICAGO, R. I. & P. R. R. Co., 86 PAC. 289 (OKL.)—*Held*, that the parents of a deceased child are not entitled to damages for mental pain caused by the mutilation of the dead body of the child.

Cooley, in his work on torts, p. 280, says: ". . . the owner of the lot in which the body was deposited might maintain trespass *quare clausum* for its disinterment and recover substantial damages, in awarding which the injury to the feelings would be taken into consideration." It logically follows that a court that would allow damages for mental anguish caused by mutilation after burial would also allow the same damages for mutilation before